

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

**ORIGINAL**  
ILLINOIS  
COMMERCE COMMISSION  
2005 AUG 17 12:56

JO-CARROLL ENERGY, INC. )

vs )

INTERSTATE POWER and LIGHT )  
COMPANY. )

02-0593

CHIEF CLERK'S OFFICE

**JOINT STIPULATION TO STAY PROCEEDING**

JO-CARROLL ELECTRIC COOPERATIVE, INC., now known as JO-CARROLL ENERGY, INC. (Jo-Carroll) by its attorneys, Grosboll, Becker, Tice & Tippey, Jerry Tice of counsel, and INTERSTATE POWER AND LIGHT COMPANY (IPL) by its attorneys, Jennifer S. Moore and Defrees & Fiske LLC, Leslie Recht of counsel, hereby submit the Joint Stipulation to Stay Proceeding and in support thereof state as follows:

1. On September 11, 2002, Jo-Carroll filed a complaint in the above docket claiming the right to serve the customer, Jamie Rowe, pursuant to Section 8 of the Electric Supplier Act (Act) and an amended complaint on January 21, 2003, seeking approval of a proposed service area agreement between Jo-Carroll and IPL and granting the right to Jo-Carroll to serve the customer Jamie Rowe under that Agreement. On February 21, 2003, IPL filed its answer to both Count I and Count II of the Amended Complaint and a Motion to Strike Count II and on May 13, 2003 the Administrative Law Judge (ALJ) determined that IPL's motion to strike Count II regarding the proposed service area agreement would be taken with the case ordering IPL to answer Count II which IPL did on June 16, 2003.

2. On December 19, 2003, Jo-Carroll filed a Motion for Summary Judgment with respect to Count I which IPL answered on or about January 30, 2004. On February 16, 2005, the ALJ

entered an order denying Jo-Carroll's Motion for Summary Judgment as to Count I leaving the issues in docket to be set for hearing before the Illinois Commerce Commission (Commission).

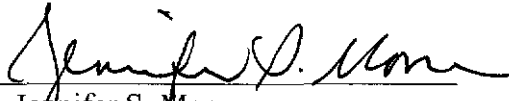
3. On August 6, 2004, Alliant Energy Corporation (Alliant Energy), IPL's parent company, announced its intention to sell its Illinois utility assets which include the service territories for which electric service is at issue in this docket. Alliant Energy began a bidding process in which Jo-Carroll participated and became the successful bidder with respect to the electric service territories at issue in this docket. On June 30, 2005, Jo-Carroll and IPL announced that they reached an asset purchase agreement (ASA) wherein Jo-Carroll would purchase IPL's utility assets. The ASA is for assets which serve the customer at issue in this docket. The pending sale is subject to approval by the Commission, and IPL and Jo-Carroll anticipate that request will be filed shortly with the Commission.

4. In the event the Illinois Commerce Commission approves the acquisition by Jo-Carroll of the Illinois territories of IPL which include assets serving the premises which are the subject to the territorial dispute in this docket, the issues in this docket will become moot. Accordingly, Jo-Carroll and IPL request the ALJ to enter an Order staying the proceedings in this docket until the Commission approves the acquisition.

WHEREFORE, JO-Carroll Electric Cooperative, Inc. now known as Jo-Carroll Energy, Inc. and Interstate Power and Light Company respectfully request the Administrative Law Judge to enter an order staying the above docket during the pendency of the proceedings for approval of the aforesaid acquisition of service territories at issue in this docket.

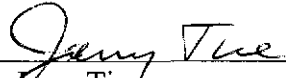
Dated this 8<sup>th</sup> day of August, 2005.

INTERSTATE POWER AND LIGHT CO.

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PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 16 day of August,

2005, I deposited in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of the attached Jo-Carroll Reply Brief, addressed to the following persons at the addresses set opposite their names:

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